

REMARKS

Applicant appreciates the attention of the Examiner to the application. The Office communication of July 21, 2005 has been reviewed with care in the preparation of this response. Applicant believes that the following remarks are fully responsive to the Office communication.

Claims 1-51 are pending and subject to a requirement by the Examiner for restriction between patentably distinct inventions pursuant to 35 U.S.C. § 121. The pending claims set forth a novel and non-obvious aerial work apparatus. Claims 3, 5, 15-19, 25, 26, 32-35, 39, 40 and 45-47 have been previously withdrawn from consideration in response to an election of species requirement.

Applicant elects Invention I. Claims 1, 2, 4, 6-14, 20-24, 27-31 and 48-51 are indicated by the Examiner as reading upon this elected invention. Claims 36-38 (Invention II) and 41-44 (Invention III) are withdrawn subject to this election as reading upon the additional and patentably distinct inventions.

Applicant traverses the restriction requirement on the basis that an examination of Invention I will inevitably result in a search of the same art, and in particular the same class, applicable to Inventions II and III. The art associated with all three inventions share a similar purpose and function as well as share a substantial number of structural features essential to that purpose and function.

Applicant submits that a search and examination of all three inventions can be made without serious burden to the Examiner and that, therefore, a proper requirement for an election of a patentably distinct invention has not been established. MPEP §803. For at least this reason, Applicant respectfully requests withdrawal of the restriction requirement made by the Examiner.

Applicant believes that the application is now in condition for allowance. Early favorable action is earnestly solicited. The Examiner is invited to call the undersigned if such would be helpful in resolving any issue that might remain. A three-month extension request is attached.

In re Patent Application Serial No. 10/603,966
Jeffrey H. Bailey

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Please debit Deposit Account 10-0270 for a three-month extension fee. If any additional fees are due, please debit Deposit Account 10-0270 and inform the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard W. White". The signature is fluid and cursive, with a large initial "R" and a distinct "W".

Richard W. White
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Dated: November 15, 2005

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